

## Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 SSO-00 NSCE-00 USIE-00

INRE-00 CCO-00 CIAE-00 OTPE-00 FCC-01 INR-07 NSAE-00

OC-05 COME-00 BIB-01 OIC-02 ACDA-05 DODE-00 PM-04

L-03 NASA-01 NSC-05 OES-03 SS-15 PA-01 PRS-01 AF-06

ARA-06 EA-07 NEA-10 /113 W  
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O R 291608Z SEP 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 3225

INFO USMISSION GENEVA IMMEDIATE

USMISSION USBERLIN

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 15900

E.O. 11652: GDS

TAGS: PFOR ETEL ITU GW WB US UK FR

SUBJECT: OCTOBER ITU REGIONAL CONFERENCE: BERLIN

ASPECTS -- CONTINGENCY PLAN

REF: 15897

BEGIN SUMMARY. AS REPORTED REFTEL, THE BONN GROUP HAS DISCUSSED TWO PAPERS ON BERLIN ASPECTS OF THE ITU BROADCASTING CONFERENCE -- A NEGOTIATING BRIEF (TRANSMITTED SEPTEL) AND THE CONTINGENCY PLAN TRANSMITTED IN THIS MESSAGE. THE CONTINGENCY PLAN, WHICH HAS RECEIVED AD REFERENDUM AGREEMENT IN THE BONN GROUP, ATTEMPTS TO ANTICIPATE VARIOUS SOVIET/EAST EUROPEAN PROTESTS TO FRG REPRESENTATION OF WEST BERLIN INTERESTS AT THE CONFERENCE  
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AND PROPOSES THE NATURE OF THE RESPONSE WHICH MIGHT BE MADE BY BRITISH, FRENCH, AND FRG DELEGATIONS TO EACH

PROTEST. APPROVAL OF CAPITALS IS NOW BEING REQUESTED SO THAT THERE WILL BE ADVANCE AGREEMENT ON THE LINE TO BE TAKEN IN A GIVEN SITUATION; IT IS ANTICIPATED, HOWEVER, THAT PROTESTS AS RECEIVED WILL BE REFERRED TO THE BONN GROUP FOR EXAMINATION AND RECOMMENDATION AS TO THE SPECIFIC REPLY TO BE MADE. THE DEPARTMENT'S APPROVAL OF THE CONTINGENCY PLAN IS REQUESTED. END SUMMARY.

1. IN THE LAST OF A SERIES OF TRIPARTITE AND QUADRIPARTITE DISCUSSIONS, AT THE SEPTEMBER 25 BONN GROUP MEETING AD REFERENDUM AGREEMENT WAS REACHED ON THE DRAFT "CONTINGENCY PLAN" TRANSMITTED IN PARA 3, BELOW. THE PLAN CONTAINS GENERAL PRINCIPLES TO BE INCORPORATED INTO REPLIES TO SOVIET OR EAST EUROPEAN PROTESTS ON VARIOUS ASPECTS OF FRG REPRESENTATION OF WEST BERLIN BROADCASTING INTERESTS; IT WAS AGREED, HOWEVER, THAT EACH PROTEST MUST BE EXAMINED CAREFULLY AND THAT IT WOULD BE PREFERABLE FOR PROTESTS TO BE REFERRED TO THE BONN GROUP FOR PREPARATION OF A DRAFT RESPONSE BASED ON THE GENERAL PRINCIPLES IN THE CONTINGENCY PLAN.

2. ONE POSSIBLE PROTEST NOT TREATED IN THE CONTINGENCY PLAN HAS TO DO WITH CREDENTIALS. AT THE SEPTEMBER 25 MEETING, THE FRG REP CALLED ATTENTION TO THE FACT THAT THE LETTER OF CREDENTIAL FOR THE HEAD OF THE FRG DELEGATION, WHICH HAD ALREADY BEEN SUBMITTED TO THE ITU, REFERRED ONLY TO AUTHORITY TO NEGOTIATE AND SIGN ON BEHALF OF THE FRG. ALL REPS AGREED TO EXAMINE THE QUESTION OF WHETHER ANY ADDITIONAL LANGUAGE SHOULD BE INCORPORATED IN THE CONTINGENCY PLAN TO COVER POSSIBLE CHALLENGES TO THE CREDENTIALS OF THE FRG REP, AND WE WILL BE PURSUING THIS ON AN URGENT BASIS. OUR PRELIMINARY REACTION IS THAT, IN THE EVENT OF SUCH A CHALLENGE, ALLIES COULD DRAW ON THE LANGUAGE SUGGESTED FOR CASES II.3 AND 4, DEPENDING ON THE SPECIFIC NATURE OF THE PROTEST, TO PREPARE A REPLY.

3. THE TEXT OF THE AD REFERENDUM CONTINGENCY PLAN FOLLOWS.

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BEGIN TEXT

ITU CONFERENCE  
CONTINGENCY PLAN

#### I. INTRODUCTION

GIVEN THE PROTEST OF THE GDR (SUPPORTED BY LETTERS FROM THE USSR, WHITE RUSSIA AND THE UKRAINE) AT THE ITU PREPARATORY CONFERENCE OF OCTOBER 1974, IT MAY BE

EXPECTED THAT THE EASTERN BLOC WILL RAISE QUESTIONS  
DURING THE 1975 CONFERENCE ABOUT REPRESENTATION OF THE  
BERLIN STATIONS BY THE FRG. AS IN THE OCTOBER 1974 CASE,  
THE ISSUE MAY BE RAISED ONLY FOR FORM'S SAKE OR ON A  
CAUTIONARY BASIS (THE GDR NOTE ONLY SAID THAT  
PARTICIPATION BY WSB RESIDENTS WITHIN THE FRG  
DELEGATION MUST BE GOVERNED BY THE TERMS OF THE QA, AND  
THAT THE QA MUST BE STRICTLY OBSERVED SO FAR AS MATTERS

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ARA-06 EA-07 NEA-10 /113 W

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O R 291608Z SEP 75

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INFO USMISSION GENEVA IMMEDIATE

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OF SECURITY AND STATUS ARE AFFECTED BY THE CONFERENCE).  
THE EAST EUROPEANS MAY, HOWEVER, MAKE A MAJOR POLITICAL  
EFFORT TO OBTAIN A RULING AT THE CONFERENCE THAT THE  
FRG MAY NOT REPRESENT WSB BROADCASTING INTERESTS OR  
THAT WSB RESIDENTS MAY NOT PARTICIPATE AS A PART OF THE

FRG DELEGATION.

IN ORDER TO HELP PRODUCE QUICKLY APPROPRIATE ALLIED AND/OR FRG RESPONSES TO THESE POSSIBLE EASTERN PROTESTS, THE FOLLOWING CONTINGENCY PLANS HAVE BEEN AGREED BY AUTHORITIES OF THE FOUR. HOWEVER, GIVEN THE GREAT NUMBER OF VARIABLES POSSIBLE IN EASTERN DEMARCHES, IT HAS BEEN AGREED BY THE FOUR THAT ALLIED AND/OR FRG RESPONSES WILL BE MADE ONLY AFTER REVIEW BY THE BONN GROUP AND WITH THE SPECIFIC APPROVAL IN EACH CASE OF  
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APPROPRIATE NATIONAL AUTHORITIES.

## II. CONTINGENCIES

1.A. COMPLAINT. COMMUNICATION BY EAST BLOC STATE(S) TO CONFERENCE CHAIRMAN ALONG LINES THAT THE TERMS OF THE QA GOVERN PARTICIPATION BY WSB RESIDENTS WITHIN THE FRG DELEGATION AND THAT THE QA MUST BE OBSERVED SO FAR AS MATTERS OF SECURITY AND STATUS ARE DEALT WITH BY THE CONFERENCE (I.E., SAME LINES AS THE GDR OCTOBER 1974 DEMARCHE).

B. REPLY. THE BRITISH AND FRENCH DELEGATIONS, NOTING THEY WERE REPRESENTING AS WELL THE AMERICAN POSITION, COULD REPLY ALONG THE LINES OF THE FRG RESPONSE TO EAST GERMAN COMPLAINTS AT THE OCTOBER, 1974 PREPARATORY CONFERENCE: (A) THE MONTREUX CONVENTION, AS WELL AS THE MALAGA--TOREMOLINOS CONVENTION, GIVES EACH MEMBER THE RIGHT TO MAKE UP ITS DELEGATION AS IT WISHES; (B) ANNEX IV OF THE QA STATES THAT, PROVIDED MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, THE FRG MAY REPRESENT WSB INTERESTS AT INTERNATIONAL CONFERENCES AND THAT WSB PERMANENT RESIDENTS MAY PARTICIPATE JOINTLY WITH PARTICIPANTS FROM THE FRG IN INTERNATIONAL EXCHANGES; AND (C) WE REGRET THAT COUNTRY X IS DISTURBING THE WORK OF THE CONFERENCE BY INTRODUCING EXTRANEIOUS ISSUES.

THE FRG COULD SEND A LETTER ASSOCIATING ITSELF WITH THE ALLIED POSITION.

2.A. COMPLAINT. COMMUNICATION BY EAST BLOC STATE(S) THAT THE INCLUSION OF A WSB RESIDENT IN THE FRG DELEGATION IS CONTRARY TO THE QA AND THUS "ILLEGAL" SINCE THE WSB ARE NOT A PART OF THE FRG AND SINCE THE ACTIVITIES OF SFB REPRESENT AN ATTEMPT BY THE FRG TO ESTABLISH JURISDICTION OVER THE WSB (I.E., SIMILAR TO THE SOVIET COMPLAINT OF MARCH 24, 1975 WITH RESPECT TO NAMING OF A WSB RESIDENT AS THE FRG REPRESENTATIVE TO

THE UN TNC).

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B. REPLY. A RESPONSE SIMILAR TO THAT MADE BY THE THREE ALLIES IN THE TNC CASE WOULD BE APPROPRIATE: (A) THERE IS NOTHING IN THE QA WHICH SUPPORTS THE CONTENTION THAT WSB RESIDENTS MAY NOT BE INCLUDED IN FRG DELEGATIONS TO INTERNATIONAL CONFERENCES; IN FACT, ANNEX IV OF QA STIPULATES THAT, PROVIDED MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED, THE FRG MAY REPRESENT THE INTERESTS OF THE WSB IN INTERNATIONAL CONFERENCES AND WSB RESIDENTS MAY PARTICIPATE JOINTLY WITH PARTICIPANTS FROM THE FRG IN INTERNATIONAL EXCHANGES; (B) THE LOCATION OF THE SFB IN THE WSB SINCE ITS ESTABLISHMENT IN (BLANK) HAS HAD THE APPROVAL OF THE THREE POWERS WHO, IN THE EXERCISE OF THEIR SUPREME AUTHORITY, HAVE AUTHORIZED THE CONTINUING OPERATIONS OF SFB. THEREFORE, THE LOCATION, OPERATIONS, AND RELATIONSHIP OF SFB TO AN FRG BROADCASTING ORGANIZATION ARE IN NO WAY INCOMPATIBLE WITH THE QA; AND (C) INCOMPLETE REFERENCE TO QA IS MISLEADING; THE ENTIRE PASSAGE SAYS THE TIES BETWEEN THE FRG AND THEWSB WILL BE MAINTAINED AND DEVELOPED, TAKING INTO ACCOUNT THAT THESE SECTORS CONTINUE NOT TO BE A CONSTITUENT PART OF THE FRG AND NOT TO BE GOVERNED BY IT.

IF A STATE OTHER THAN THE USSR MAKES THE ABOVE COMPLAINT OR ASSOCIATES ITSELF WITH A SOVIET STATEMENT ON THESE LINES, THE REPLY COULD ALSO NOTE THAT STATES NOT PARTY TO THE QA ARE NOT COMPETENT TO COMMENT

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AUTHORITATIVELY ON ITS PROVISIONS.

THE FRG COULD ASSOCIATE ITSELF WITH THE ALLIED  
STATEMENT BY SENDING ITS OWN LETTER TO THE CONFERENCE  
CHAIRMAN.

3.A. COMPLAINT. COMMUNICATION FROM EAST BLOC  
STATE(S) THAT, WHILE THE FRG MAY REPRESENT THE  
"INTERESTS OF THE WSB," IT MAY NOT REPRESENT THE BROAD-  
CASTING INTERESTS IN QUESTION SINCE THEY ARE INTERESTS  
WHICH THE THREE ALLIES HAVE RESERVED TO THEMSELVES.

B. REPLY. THE FRENCH AND BRITISH  
DELEGATIONS, NOTING THEY ARE ALSO SPEAKING FOR THE  
UNITED STATES, WOULD RESPOND: (L) THEY HAVE AUTHORIZED  
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THE FRG TO REPRESENT AT THE CONFERENCE THE BROADCASTING  
INTERESTS IN QUESTION; (2) THIS REPRESENTATION DOES NOT  
AFFECT ALLIED RESERVED RIGHTS AND RESPONSIBILITIES;  
AND (3) THE THREE POWERS CONTINUE TO MEET THEIR  
RESPONSIBILITY TO ENSURE THAT MATTERS OF SECURITY AND  
STATUS ARE NOT THEREBY AFFECTED.

4.A. COMPLAINT. COMMUNICATION FLATLY ASSERTING  
THAT, SINCE MATTERS OF SECURITY AND/OR STATUS ARE BEING  
DEALT WITH BY THE CONFERENCE, IN ACCORDANCE WITH THE QA  
THE FRG MAY NOT REPRESENT WSB BROADCASTING INTERESTS AT  
THE CONFERENCE.

B. REPLY. THE FRENCH AND BRITISH DELEGATIONS,  
NOTING THEY ARE SPEAKING ALSO FOR THE US, COULD RPELY  
AS FOLLOWS: THE THREE POWERS, AS NOTED IN THE QA,  
CONTINUE TO MAINTAIN THEIR RIGHTS AND RESPONSIBILITIES  
RELATING TO THE REPRESENTATION ABROAD OF THE INTERESTS  
OF THE WSB. SUBJECT TO THEIR RIGHTS AND RESPONSIBILITIES  
THE THREE POWERS LONG AGO AUTHORIZED THE FRG TO REPRESENT  
THE INTERESTS OF THE WSB IN INTERNATIONAL ORGANIZATIONS  
AND CONFERENCES. WITH RESPECT TO FRG REPRESENTATION OF  
WSB INTERESTS AT THE PRESENT CONFERENCE, THE THREE POWERS  
IN THE EXERCISE OF THEIR SUPREME AUTHORITY OVER THE WSB  
CONTINUE TO ASSURE THEMSELVES THAT MATTERS AFFECTING  
SECURITY AND STATUS ARE NOT THEREBY AFFECTED. THE FRG  
REPRESENTATION OF WSB INTERESTS AT THE ITU CONFERENCE  
IS THUS IN COMPLETE CONFORMITY WITH THE QA. END TEXT.

4. ACTION REQUESTED: THAT THE DEPARTMENT APPROVE THE  
ABOVE TEXT.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
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